

DOCKET FILE COPY ORIGINAL

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUL - 2 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Cellular Service and Other Commercial)
Mobile Radio Services in the Gulf of)
Mexico)

WT Docket No. 97-112

Amendment of Part 22 of the Commission's)
Rules to Provide for Filing and Processing)
of Applications for Unserved Areas in the)
Cellular Service and to Modify Other)
Cellular Rules)

CC Docket No. 90-6

COMMENTS OF AT&T WIRELESS SERVICES, INC.

Cathleen A. Massey
Vice President - External Affairs
Douglas I. Brandon
Vice President - External Affairs
1150 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
202/223-9222

Howard J. Symons
Sara F. Seidman
Gregory R. Firehock
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
202/434-7300

Of Counsel

July 2, 1997

No. of Copies rec'd
List ABOVE

CHY

TABLE OF CONTENTS

	<u>Page</u>
Introduction and Summary	1
I. The Commission Should Allow Existing Land-Based Licensees to Provide Service in the Gulf Coastal Zone Rather Than Issue a Separate Authorization	4
II. Gulf Coastal Zone and Exclusive Zone Licensees Should Not be Permitted to Locate Cell Sites Within the Cellular Geographic Service Areas of Neighboring MSAs or RSAs Without Consent.....	6
III. There May Be No Basis for Requiring the Recalculation of Service Contours.....	9
IV. The Commission Should Grandfather Existing Gulf Coverage	10
Conclusion	12

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Cellular Service and Other Commercial)	WT Docket No. 97-112
Mobile Radio Services in the Gulf of)	
Mexico)	
)	
Amendment of Part 22 of the Commission's)	CC Docket No. 90-6
Rules to Provide for Filing and Processing)	
of Applications for Unserved Areas in the)	
Cellular Service and to Modify Other)	
Cellular Rules)	

COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AT&T"), by its attorneys, hereby submits its comments on the Second Further Notice of Proposed Rulemaking in the above-captioned proceeding.^{1/}

Introduction and Summary

AT&T holds various cellular licenses in MSAs and RSAs that border on the Gulf of Mexico Service Area ("GMSA").^{2/} From these land-based systems, AT&T has been providing service to subscribers and roamers traveling in the coastal areas of the Gulf of Mexico. While AT&T supports the adoption of the FCC's proposal to establish a GMSA Exclusive Zone that would extend from a 12 nautical mile offshore limit to the southern limits of the GMSA, it

^{1/} In the Matter of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico; Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules. Second Further Notice of Proposed Rulemaking, WT Docket No. 97-112 and CC Docket No. 90-6, FCC 97-110 (rel. Apr. 16, 1997) ("Notice").

^{2/} AT&T holds cellular A Block licenses for Tampa, Bradenton, Sarasota and Citrus FL-4. It is also a partner in the Houston and Galveston Texas A Block licensees.

opposes the creation of a separately licensed GMSA Coastal Zone. Instead, AT&T urges the Commission to adopt a Gulf licensing plan that replicates its recently established rules for wireless communications service (“WCS”).^{3/}

In its WCS proceeding, the Commission created a Gulf service area for WCS that begins 12 nautical miles from the shoreline.^{4/} The coastal area -- equivalent to the Coastal Zone proposed in the Notice -- is included within the service area of the adjacent land-based WCS licensee. Replicating this licensing plan for cellular and PCS providers makes sense because it would create regulatory parity across a family of services that are potential competitors. It also takes into account the service already being provided in the coastal areas of the Gulf and the relative ease with which land-based wireless licensees can provide reliable service to areas proximate to the coast.

In contrast, creation of a separately-licensed “Coastal Zone” benefits no one. As the Commission recognizes, cellular carriers already provide virtually seamless coverage along the Gulf shoreline. For all practical purposes, the only unserved areas in the proposed Coastal Zone are water-only areas now beyond the reach of the cellular carriers’ existing coverage. Rather than interposing a new licensing area between land-based carriers and the Gulf carriers, the Commission can promote service to these unserved areas by granting the backlog of applications by cellular carriers proposing to extend additional land-based service into the Gulf.

^{3/} In the Matter of Amendment of the Commission’s Rules to Establish part 27, the Wireless Communications Service (“WCS”), Report and Order, GN Docket No. 96-228, FCC 97-50 (rel. Feb. 19, 1997) (“WCS Order”).

^{4/} Id. at ¶ 59

As the Commission has recognized, it is technically infeasible and legally indefensible to allow water-based carriers to locate their facilities on land without the land-based carrier's consent. AT&T urges the Commission not to abandon long-standing rules regarding the siting of water-based carriers' facilities on land, which are based on intractable interference problems and the likelihood of land-based subscribers paying higher roaming charges in their home territory. In addition, if the Commission accepts AT&T's recommendation to establish the same rules for Gulf coverage that it recently adopted for WCS, there is no need for the Commission to change the method by which land-based carriers measure their CGSA over water.

Finally, regardless of the licensing scheme adopted by the Commission, AT&T supports complete grandfathering of existing sites that have been authorized within the Coastal Zone. AT&T agrees with the Commission's tentative conclusion that the public interest is best served by allowing all water-based and land-based service area boundaries that extend into the Coastal Zone to be incorporated into the cellular geographic service area ("CGSA") of the carrier currently providing service. In addition, AT&T urges the Commission also to grandfather existing service area boundary ("SAB") extensions into the Exclusive Zone unless or until the GMSA carrier establishes CGSA in those areas. Otherwise, the Gulf licensee could require a land-based carrier to pull back reliable service in an area where the Gulf licensee is not now and may never provide coverage. This result would be contrary to the Commission's goal of "ensur[ing] wide-spread, reliable coverage along the shoreline."^{5/}

^{5/} Notice at ¶ 27.

I. The Commission Should Allow Existing Land-Based Licensees to Provide Service in the Gulf Coastal Zone Rather Than Issue a Separate Authorization

AT&T supports the creation of a GMSA Exclusive Zone beginning 12 nautical miles from the shoreline and the Commission's proposal to allow Gulf carriers to move their transmitters freely and expand or modify their systems within this zone. These rule changes would adequately address the Gulf carriers' concerns that their unique circumstances require a more flexible CGSA definition.^{6/} There is no need, however, to create a separately-licensed Coastal Zone from the remnants of unserved areas in the coastal areas of the Gulf. Many of these areas are currently being served by existing licensees, and the remaining areas easily could be filled in by granting further extensions of land-based licensees' systems. In addition, as discussed in Section II, *infra*, there are inherent technological limitations in creating a distinct licensing area along the coast, if the Commission takes into account – as it must – the interference concerns of existing land-based providers.

As the Commission has acknowledged, “nearly the entire coastal area of the Gulf region is within the CGSA of land-based carriers.”^{7/} Moreover, many land-based carriers, including AT&T, have obtained *de minimis* extensions of their land-based systems into the proposed Coastal Zone. Land-based cellular carriers, such as AT&T, have a proven record of service to coastal users. A substantial number of AT&T's coastal area customers have purchased AT&T's

^{6/} Petroleum Communications, Inc. v. Federal Communications Comm'n, 22 F.3d 1164, 1173 (D.C. Cir. 1994).

^{7/} Notice at ¶ 40.

cellular service for use while on boats along the coast.^{8/} AT&T's coastal coverage has not only increased boaters' convenience, but their safety as well.^{9/}

Reliance on land-based licensees to provide service in the Coastal Zone also is consistent with the Commission's long-standing treatment of other water areas, in which cellular service over water is only permitted through expansion of land-based systems.^{10/} Indeed, in recently establishing the wireless communications service ("WCS"), the Commission adopted the approach that AT&T advocates here.^{11/} By including the coastal area within the service area of the adjacent land-based WCS licensee, the Commission balanced the "growing communications needs of petroleum and natural gas providers" in the Gulf and the legitimate needs of land-based

^{8/} Cf. In re Application of Advanced Mobile Phone Service, et al., Memorandum Opinion and Order Granting Application and Designating Applications for Hearing, 54 Rad. Reg. 2d (Pike & Fischer) 260, 271 n.35 ((Common Carrier Bur. 1983) ("the provision of marine service may be a significant part of Miami's cellular service system. . . . [A] large segment of the customer population will expect and desire marine applications of cellular service.")).

^{9/} See Declaration of John A. Dapper at ¶ 6 ("Dapper Declaration"), attached as **Exhibit 1**; "5 rescued from Gulf," THE TAMPA TRIBUNE-TIMES, May 11, 1997, attached as **Exhibit 2**. The cellular telephone call described in the article was made over AT&T's Tampa cellular system.

^{10/} See In the Matter of Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, Third Report and Order and Memorandum Opinion and Order on Reconsideration, 7 FCC Rcd 7183, 7185 ¶ 12 (1992) ("the public interest will be better served if we establish that cellular service in water areas other than the GMSA may be provided only by expansion of the adjacent land-based systems"); In re Amendment of the Commission's Rules for Rural Cellular Service, Third Order on Reconsideration, 3 FCC Rcd 4403, 4403 ¶ 3 (1988) (RSAs); In re Applications of Petroleum Communications, Inc., et al., Order on Reconsideration, 1 FCC Rcd 511, 513 ¶ 17 (1986) (citing In re Application of Advanced Mobile Phone Service, et al., Memorandum Opinion and Order Granting Application and Designating Applications for Hearing, 54 Rad. Reg. 2d (Pike & Fischer) 260, 271 n.35 ((Common Carrier Bur. 1983)); see also In the Matter of Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, Further Notice of Proposed Rulemaking, 6 FCC Rcd 6158, 6160 ¶¶ 13-15 (1991).

^{11/} WCS Order at ¶ 59.

licensees abutting the Gulf.^{12/} The WCS Order also suggests the appropriate solution to one of the Commission's main objectives in this proceeding -- to ensure that the coastal water areas receive ubiquitous, reliable coverage.^{13/} Finally, adopting the WCS licensing scheme here would provide regulatory parity among potential competitors.

In the instant proceeding, rather than establishing a new service area for a narrow strip of water, the Commission should acknowledge the existing coverage of the proposed Coastal Zone by land-based carriers and officially incorporate the Coastal Zone into the markets of existing licensees in the adjacent land-based markets (e.g., MSAs, RSAs, MTAs, BTAs).^{14/}

II. Gulf Coastal Zone and Exclusive Zone Licensees Should Not be Permitted to Locate Cell Sites Within the Cellular Geographic Service Areas of Neighboring MSAs or RSAs Without Consent

The Commission has previously concluded that it is highly unlikely that a land-based site, which is intended to serve only water-based traffic, would be feasible without significant interference to the land-based licensee. As the Commission determined in 1987, "land transmitters could not be 'reengineered' in the Gulf area to avoid significant incursions over land" and Gulf operators should thus not be permitted to place facilities on land without consent from the land-based provider.^{15/} There has been no reliable evidence submitted to refute this

^{12/} Id.

^{13/} Notice at ¶ 27.

^{14/} At a minimum, the Commission should grant pending applications filed by existing land-based licensees for de minimis extensions into the area of the proposed Coastal Zone and for Phase II unserved areas in the GMSA. AT&T also agrees, however, that to the extent an existing GMSA carrier's CGSA extends into the coastal area it should be grandfathered into any new licensing scheme adopted by the Commission. See Section IV, infra.

^{15/} Notice at ¶ 12 (citing In re Applications of Petroleum Communications, Inc. et al., Order on Reconsideration, 2 FCC Rcd 3695, 3696 ¶ 13 (1986)).

conclusion in the intervening ten years,^{16/} nor does the Court of Appeals' opinion in Petroleum Communications, Inc. compel a different result. Indeed, the Court of Appeals actually relied on the inability of Gulf carriers to place transmitters on land in finding that Section 22.903(a) does not adequately address the concerns of water-based licensees in the Gulf.^{17/}

Intractable interference problems have long underpinned the Commission's prohibition on placement of GMSA facilities in neighboring CGSAs.^{18/} Although the Commission has permitted cellular carriers to extend their SABs into the territory of adjacent providers, it has never authorized carriers to place facilities in neighboring CGSAs without the consent of the licensee.^{19/} This policy minimizes the potential for interference and retains the integrity of the Commission's licensing system. Any departure from this approach, as proposed in the Notice,

^{16/} See Dapper Declaration at ¶ 11.

^{17/} “[T]he FCC altogether overlooks Petrocom’s more critical, clearly articulated point: given the inability of Gulf licensees to place transmitters on land, Gulf service areas should not be frozen at their current dimensions.” Petroleum Communications Inc., 22 F.3d at 1173 (emphasis in original). Moreover, Exclusive Zone licensees would have no reason to locate their facilities on land. Because their territories would begin 12 nautical miles from the shoreline, such licensees would be able to provide coverage to the entire GMSA without the need for land-based cell sites.

^{18/} See In re Applications of Petroleum Communications, Inc. et al., Order on Reconsideration, 2 FCC Rcd 3695, 3696 ¶ 13 (1986); In re Applications of Petroleum Communications, Inc. et al., Order on Reconsideration, 1 FCC Rcd 511, 513 ¶ 19 (1986); see also In the Matter of Amendment of Part 22 of the Commission’s Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, Further Notice of Proposed Rulemaking, 6 FCC Rcd 6158, 6159 ¶ 11 (1991). Contrary to the suggestion in the Notice at ¶¶ 39-40, it is clear from the Commission’s prior decisions that its GMSA land-based transmitter policy was not an interim measure dependent on RSA licensees’ build-out of their systems.

^{19/} See Notice at ¶ 11.

would result in wholesale erosion of the service area limits established by the Commission for licensing purposes.

Forcing land-based carriers to accommodate water-based carriers' transmitters also would subject land-based subscribers to a confusing patchwork of roamer charges even when they are traveling within their home territory. Cellular telephones register on the system that is providing them with the strongest signal, which usually means the signal from the system with the nearest base station.^{20/} If a GMSA carrier could locate transmitters within a land-based carrier's CGSA, there will be areas in which the former's signal is stronger than that of the latter.^{21/} In these instances, land-based subscribers in their home territory would place calls through the GMSA carrier's water-based system at the GMSA carrier's roaming rate.^{22/} Customers could unknowingly incur pricey roamer charges during the periods that their calls were handled by the GMSA carrier.^{23/}

Cell sites often cannot be located near the edge of the water for environmental and zoning reasons, which would require GMSA sites to be located further within the land-based carrier's CGSA.^{24/} As a result, such sites would capture the home carrier's cellular traffic between the facilities and the edge of the CGSA.^{25/} Even the use of highly directional antennas by the GMSA

^{20/} See Dapper Declaration at ¶ 8.

^{21/} See id.

^{22/} See id.

^{23/} As the Commission has noted, GMSA carriers tend to charge significantly higher roaming rates than land-based carriers. Notice at ¶ 34.

^{24/} See Dapper Declaration at ¶ 9.

^{25/} See id.

licensee would not prevent the capture of land-based carriers' traffic because, although such antennas have a high front-to-back ratio, they still provide "service" several miles behind the antenna.^{26/} In addition, because narrow beam antennas produce a narrow coverage area, the GMSA carrier would have to deploy more of them to cover adequately a given service area.^{27/} Moreover, the proximity of such GMSA sites to the in-market land-based carrier's cells would cause serious frequency planning problems that do not arise with adjacent carriers.^{28/}

When feasible and mutually advantageous to do so, adjacent carriers have agreed, on a site-by-site basis, to collocation and placement of facilities within each other's CGSAs. The GMSA carriers have failed to establish why the requirement to obtain consent of the adjacent licensee should be waived for their systems. Because allowing water-based carriers to locate transmitters in the CGSAs of neighboring land-based carriers will exacerbate rather than "reduce conflict between water-based and land-based carriers," the Commission should not mandate that Gulf Coastal Zone or Exclusive Zone licensees be allowed to locate facilities on land without the land-based carrier's consent.^{29/}

III. There May Be No Basis for Requiring the Recalculation of Service Contours

In 1992, at the request of PetroCom, the Commission adopted a new mathematical formula for determining service area boundaries over water. This step was taken solely because PetroCom believed the service areas of GMSA carriers would be unjustifiably reduced under the

^{26/} See id.

^{27/} See id.

^{28/} See id. at ¶ 10.

^{29/} Notice at ¶ 2 (listing the Commission's "principal goals of this proceeding"); see Comments of Southwestern Bell Mobile Systems, Inc. at 2 (filed June 2, 1997).

Commission's new unserved areas policy. To avoid unnecessary complexity, however, the Commission decided to apply the water-based formula only to systems authorized to serve the GMSA and retained the land-based formula for land-based systems, regardless of whether signals extended over land, water, or some combination thereof. This approach has adequately accommodated the needs of both the Gulf carriers and the adjacent land-based providers. AT&T believes that if the Commission adopts AT&T's recommendation to incorporate the Coastal Zone into the licensed territories of land-based carriers, a hybrid formula will continue to be unnecessary.

Indeed, the administrative complexity associated with creation of a "hybrid" formula for determining coverage of signals that extend partially over land and partially over water is yet another reason why the Commission should abandon its proposal to establish a separately licensed Coastal Zone. Requiring carriers to use different propagation formulas depending on whether or not their signals extend partially over the Gulf is impractical and entirely unnecessary if the Commission does not interpose a new licensee between land-based and GMSA carriers.

IV. The Commission Should Grandfather Existing Gulf Coverage

Regardless of the licensing scheme adopted by the Commission, AT&T supports complete grandfathering of existing sites that have been authorized within the Coastal Zone. AT&T agrees with the Commission's tentative conclusion that the public interest is best served by allowing all water-based and land-based service area boundaries that extend into the Coastal Zone to be incorporated into the CGSA of the carrier currently providing service.

In addition, AT&T urges the Commission to establish partial grandfathering of existing service area boundary ("SAB") extensions into any newly established Exclusive Zone. Under this partial grandfathering proposal, land-based carriers would not be required to pull back

existing SAB extensions unless or until the GMSA carrier establishes a CGSA in those areas.^{30/}

Otherwise, the GMSA carrier, by requiring the land-based carrier to pull back its SAB extensions, could needlessly disrupt existing service over both water and land and deprive the public of coverage in areas where the GMSA carrier is not now and may never provide coverage.^{31/} This result would be contrary to the Commission's goal of "ensur[ing] wide-spread, reliable coverage along the shoreline."^{32/}

^{30/} Partial grandfathering of SAB extensions will be particularly critical if the Commission adopts a hybrid propagation formula that increases the degree of incursion by land-based carriers into the Exclusive Zone.

^{31/} The Commission has noted, for example, that oil platforms are not permitted off the coast of Florida. Notice at ¶ 33. The GMSA carriers, therefore, cannot easily serve that part of their Exclusive Zone proximate to Florida. Under these circumstances, a land-based carrier should be allowed to retain its existing SABs until such time as the GMSA carrier is able to extend its CGSA into the area.

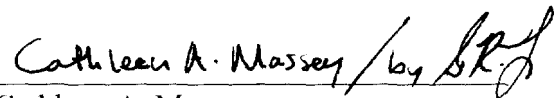
^{32/} Notice at ¶ 27.

Conclusion

For the foregoing reasons, AT&T supports the Commission's proposals to create a GMSA Exclusive Zone beginning 12 nautical miles from the coast of the United States and to grandfather existing land based carriers' SAB extensions into the Gulf of Mexico. The Commission should not, however, adopt its unprecedented and unwarranted proposals to create a Gulf of Mexico Coastal Zone, to allow GMSA licensees to place transmitters within the CGSAs of their land-based neighbors, and to create an entirely new formula for measuring reliable coverage contours.

Respectfully submitted,

AT&T WIRELESS SERVICES, INC.

A handwritten signature in black ink, appearing to read "Cathleen A. Massey / by D.K.J.", written over a horizontal line.

Cathleen A. Massey
Vice President - External Affairs
Douglas I. Brandon
Vice President - External Affairs
1150 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
202/223-9222

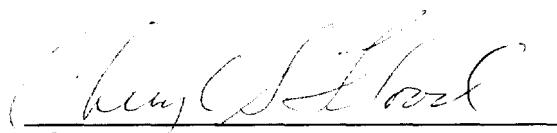
Howard J. Symons
Sara F. Seidman
Gregory R. Firehock
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
202/434-7300

Of Counsel

July 2, 1997

CERTIFICATE OF SERVICE

I, Cheryl Flood, hereby certify that on this 2nd day of July 1997, I caused copies of the foregoing Comments of AT&T Wireless Services, Inc. to be sent to the following by hand delivery:


Cheryl Flood

Daniel B. Phythyon
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Kathleen Abernathy
AirTouch Communications
1818 N Street, N.W.
8th Floor
Washington, D.C. 20036

David Furth
Chief
Commercial Wireless Division
Federal Communications Commission
2025 M Street, N.W.
Room 7002
Washington, D.C. 20554

Louisa Lancetti
Wilkinson, Barker, Knauer & Quinn
1735 New York Avenue, N.W.
Suite 600
Washington, D.C. 20006-5289

Regina Keeney
Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

ITS
1231 20th Street, N.W.
Washington, D.C. 20554

Zenji Nakazawa
Legal Branch
Commercial Wireless Division
Wireless Telecommunications Commission
2025 M Street, N.W., Room 7122A
Washington, D.C. 20554



DECLARATION OF JOHN A. DAPPER

1. I, John A. Dapper, am the Director of Engineering for AT&T Wireless Services of Florida, Inc. ("AT&T Florida"), which is a wholly owned subsidiary of AT&T Wireless Services, Inc. ("AWS"). AWS, through its subsidiaries, holds various cellular licenses (collectively, "AT&T CGSAs")¹ in MSAs and RSAs that border on the Gulf of Mexico Service Area ("GMSA").

2. In my position as Director of Engineering for AT&T Florida, I have knowledge of the coverage of the AT&T CGSAs, use of cellular telephones in the coastal areas within and adjacent to the AT&T CGSAs by AT&T Florida's customers, and the nature and extent of interference that would be caused to AT&T Florida's land-based systems if carriers licensed to provide service to the Gulf of Mexico Service Area ("GMSA carriers") were permitted to place facilities within the AT&T CGSAs.

3. All of the AT&T CGSAs include Gulf of Mexico coastal waters in their Service Area Boundaries ("SABs") as a result of de minimis extensions either granted by the FCC or resulting from the FCC's change in the standard for SAB measurement from 39 dBu to 32 dBu. The SAB of AT&T Florida's Tampa MSA includes areas of the Gulf of Mexico as far as 13 nautical miles beyond the low tide line of the Tampa MSA. Because of the propagation characteristics of cellular signals over water, cellular phone users in the Gulf of Mexico, including a large portion of the Coastal Zone proposed in the FCC's Second Further Notice of Proposed Rulemaking (WT Docket No. 97-112)², are able to make and receive calls using AT&T Florida's service.

¹ AT&T holds cellular A-block licenses for Tampa, Bradenton, Sarasota and Citrus FL-4 .

² In the Matter of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico; Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for

4. AT&T Florida's coverage of areas within the Gulf of Mexico was accomplished without any special or additional construction of facilities, other than what was required to serve the land areas within the AT&T CGSAs

5. Most of the Gulf-based users of AT&T Florida's cellular system are also subscribers of AT&T Florida's system in the AT&T CGSAs. As such, these users are able to obtain cellular service in the Gulf without paying higher "roaming" charges to Gulf of Mexico-based carriers.

6. The availability of cellular service in the Gulf from the land-based licensee offers seamless connections to public safety officials serving the AT&T CGSAs and adjacent waters. AT&T Florida's system is used frequently by citizens in need of Coast Guard or private towing services, sometimes in emergency situations.

7. Land-based wireless facilities are restricted along the coastline in many areas within the AT&T CGSAs because of local zoning regulations. For example, along parts of the Intracoastal Waterway, which runs parallel to the coastline in certain of the AT&T CGSAs, cellular sites are limited to the eastern bank of the Waterway.

8. It would be virtually impossible to place GMSA carriers' cellular facilities in the AT&T CGSAs without both causing harmful interference to AT&T Florida's system and capturing a measure of traffic generated within the AT&T CGSAs. Cellular phones register on the system that is providing them with the strongest signal. In areas where a GMSA carrier's signal is stronger, an AT&T Florida customer's calls would access the GMSA carrier's system rather than the customer's home system. The customer would be subject to the GMSA carrier's

higher roaming rates whenever the GMSA carrier's system handles the call, even though the customer is within home territory.

9. GMSA carriers' use of highly directional antennas would not eliminate the problem of inadvertent capture of land-based carriers' traffic. Although the signal coverage of such antennas have a high front-to-back ratio, the "back lobe" of the signal can provide coverage several miles behind. Because such antennas produce a narrow beam, more antennas would be required to cover a given service area. Environmental and zoning requirements dictate that many such antennas would have to be placed further back from the coastline, allowing them to capture additional land-based cellular traffic between the antenna and the coastline. Along the Intracoastal Waterway, GMSA carriers' antennas would pick up traffic in the Waterway and the land between the other side of the Waterway and the Gulf of Mexico.

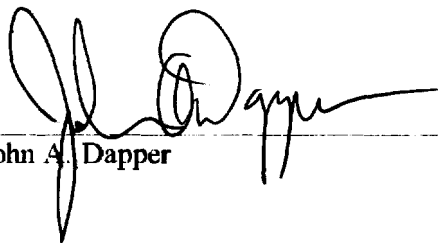
10. Frequency coordination is considerably more difficult between carriers who must each locate facilities within the same SAB than between carriers who occupy adjacent markets.

11. I am unaware of technological advances in the methods of signal propagation in the last ten years that would alter significantly interference concerns related to locating GMSA carriers' antennas within land-based CGSAs.

12. AT&T's extensive investment in its existing system and long-term planning are based on the calculation of its service contour at 32 dBu. Adoption of a new hybrid formula for calculating service contours that extend partially over water and partially over land would require

AT&T Florida to decrease power on its Gulf-bordering sites, which would in turn require AT&T Florida to redesign and redeploy its near-shore system. The cost of having to locate new cell sites and obtain local authorization would be burdensome at best and economically detrimental at worst.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.



John A. Dapper

Executed on July 1, 1997

DCDOCS: 110555.1



THE TAMPA TRIBUNE

A MEDIA GENERAL NEWSPAPER

and The Tampa Times

http://www.tampatrib.com TAMPA, FLORIDA

Sunday*
May 11, 1997

The Tampa Tribune-Times, Sunday, May 11, 1997

HERNANDO

5 rescued from Gulf

HERNANDO BEACH — Rescuers plucked five people out of the Gulf of Mexico Saturday after their boat sank about 10 miles west of Hernando Beach.



NEWS OF
TAMPA BAY

The group, out on a fishing trip, floated in the water for 90 minutes before a Florida Marine Patrol boat arrived. The 22-foot pleasure boat started to take on water after a large wave hit around 10 a.m.

"I heard a crack, and water started coming in," said boater Terry Flaughner, a Spring Hill cabinet shop owner. "Something must have cracked."

Flaughner managed to call his wife on shore before the saltwater disabled his cellular telephone. She called the Coast Guard, which launched the rescue.

A marine patrol boat arrived first and pulled three of the five people out of the water. A Coast Guard helicopter hoisted up the others a little later.

All five boaters wore life vests, making it easy for them to stay afloat for so long, the Coast Guard reported. The 3-year-old boat was a total loss.